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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 604/2025 & I.A. 14612/2025, I.A. 14613/2025,
I.A. 14614/2025, I.A. 14615/2025, I.A. 14616/2025**

MALTI GUPTA

.....Plaintiff

Through: Mr. J. Sai Deepak, Senior Advocate
with Ms. Meenakshi Ogra, Mr. Tarun
Khurana, Mr. Rajat Sabu, Mr. Ritvik
Jha and Ms. Chhavi Dande,
Advocates.

versus

SUNIL KUMAR SETH & ANR.

.....Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **30.05.2025**

I.A. 14613/2025 (u/O XI Rule 1 (4) of CPC, 1908)

1. The present application has been filed on behalf of the plaintiff seeking leave to file additional documents.
2. The plaintiff is permitted to file additional documents in accordance with the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.
3. Accordingly, the application is disposed of.

I.A. 14614/2025 (u/S 12-A of the Commercial Courts Act, 2015)

4. As the present suit contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023



SCC Online SC 1382, exemption from the requirement of pre-institution mediation is granted.

5. The application stands disposed of.

I.A. 14615/2025 (exemption from filing translated copies)

6. Allowed, subject to just exceptions.

7. The plaintiff is exempted from filing translated copies of documents at this stage.

8. The application stands disposed of.

I.A. 14616/2025 (exemption from advance service)

9. In view of the limited *ex parte ad interim* injunction sought by the plaintiff at this stage, the plaintiff is exempted from effecting advance service to the defendants.

10. The application stands disposed of.

CS(COMM) 604/2025

11. Let the plaint be registered as a suit.

12. Issue summons.

13. Summons be issued to the defendants through all modes. The summons shall state that the written statement(s) shall be filed by the defendants within thirty days from the date of the receipt of summons. Along with the written statement(s), the defendants shall also file affidavit of admission/denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record.

14. Liberty is given to the plaintiff to file replication(s), if any, within thirty days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiff, affidavit of admission/denial of the documents of the defendants be filed by the plaintiff.



15. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

16. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

17. List before the Joint Registrar on 8th August, 2025 for completion of service and pleadings.

18. List before the Court on 8th October, 2025.

I.A. 14612/2025 (u/O XXXIX Rules 1 and 2 of CPC, 1908)

19. The present suit has been filed seeking relief of permanent injunction, restraining the defendants from infringing the registered trademarks of the plaintiff as well as passing off, along with other ancillary reliefs.

20. The plaintiff is the registered proprietor of the wordmark 'ROJGAR



RESULT' and the registered trademark ' , '. The mark ' , '



' was registered by the plaintiff in the year 2014. The details of the trademark registrations of the plaintiff are given in paragraph no.7 of the plaint.

21. It is the case of the plaintiff that the plaintiff runs a website 'www.rojgarresult.com', which provides the latest information with respect



to opening/jobs in various government departments as well as various government examinations. The plaintiff also has an active presence on the social media platforms, such as WhatsApp, Telegram, X, Facebook and



Instagram, etc. where the plaintiff uses the mark ‘’.

22. The plaintiff has a significant following on its social media platforms, which is described in paragraph no.16 of the plaint.

23. The defendants run websites ‘www.sarkariexam.com’ and ‘www.sarkariresult.com’ and are providing competing services. It is the case of the plaintiff that the defendants have been copying and reproducing information taken from the plaintiff’s website and using the same on their website along with a mark ‘ROJGAR RESULT’ and the device mark ‘



24. Instances of copying of the material from the plaintiff’s website by the defendants, as well as the use of the plaintiff’s trademark by the defendants are given in paragraph no.32 of the plaint. In paragraph no.33 of the plaint, the plaintiff has attached a screenshot of page no.66 of a document titled ‘*Brochure of Uttar Pradesh Combined Agriculture and Technology Entrance Test, 2025 (UPCATET)*’, wherein the plaintiff’s device mark is prominently displayed, which was uploaded by the plaintiff on its website. It is stated that the defendants have copied and lifted the aforementioned document from the plaintiff’s website and uploaded the same on their websites. A screenshot of



page no.66 of the document available on the defendants' websites has been attached in paragraph no.34 of the plaint, wherein the plaintiff's device mark is clearly visible.

25. A *prima facie* case is made out in favour of the plaintiff and against the defendants.

26. Balance of convenience is in favour of the plaintiff and against the defendants. Irreparable injury would be caused to the plaintiff if an *ex-parte ad interim* injunction as prayed for is not granted in favour of the plaintiff.

27. Consequently, till the next date of hearing, the defendants by themselves and/or through their company, partners, firms, associates, assignees, heirs, successors, agents, employees, subordinates, representatives, franchisees, distributors, dealers, and all others acting for and on their behalf and/or acting under their instructions and/or acting in concert with them, are restrained from carrying on its business and/or delivering/offering their services while using in any manner whatsoever, including via internet and/or through their official impugned websites and various social media platforms, directly and/or indirectly, the plaintiff's trade name/trademark "ROJGAR



RESULT" as well as device mark '  , and/or any other tradename/ trademark that is identical and/or deceptively and confusingly similar to the plaintiff's tradename/ registered trademarks.

28. Further, the defendants, by themselves and through their other proprietors/ partners, associates, assignees, heirs, successors, agents, employees, subordinates, representatives, franchisees, distributors, dealers,



and all others acting for and on their behalf and/or acting under their instructions and/or acting in concert with them, are directed to delete and/or remove all references/ information(s)/ brochures/ advertisements and the like containing the plaintiff's trade name/trademark "ROJGAR RESULT" and/or



device mark ' , ' from its 2 impugned websites – www.sarkariexam.com and www.sarkariresult.com.cm, and/or any other similar website(s) and/or social media platforms of defendants, run and operated by defendants and/or their agents/ associates/ partners/ employees/ affiliates/ agents/ employees/ representatives/ franchisees/ distributors/ heirs/ assignees/ successors.

29. Compliance of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908, be made within seven (7) days.
30. Issue Notice.
31. Notice be issued to the defendants *via* all permissible modes, including e-mail.
32. Reply(ies) be filed within four (4) weeks.
33. Rejoinder(s) thereto, if any, be filed within two (2) weeks thereafter.
34. List before the Joint Registrar on 8th August, 2025 for completion of service and pleadings.
35. List before the Court on 8th October, 2025.

AMIT BANSAL, J

MAY 30, 2025

Vivek/-